

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed November 30, 2004. Upon entry of the amendments in this response, claims 1 - 20 remain pending. In particular, Applicant has amended claims 1 – 6 and 8 – 10. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. §102

The Office Action indicates that claims 1 - 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by www.accuhire.com retrieved wayback machine anylinkage; October 17, 2001 (“accuhire”). Applicant respectfully traverses the rejection.

In this regard, Applicant respectfully asserts that a publication with a date of October 17, 2001 does not constitute prior art with respect to the pending application because the filing date of the application is June 28, 2001. Since the filing date of the application predates the asserted publication, Applicant respectfully requests that the rejection be removed.

Irrespective of the apparent inapplicability of any materials published on October 17, 2001, it appears that the some of the materials cited in the Office Action may have a publication date of March 2, 2001 (identifiers at the bottom of pages 8 and 10 are annotated with . . ./20010302. . .), and that another of the pages cited in the Office Action may have a publication date of February 23, 2001 (identifier at the bottom of page 9 is annotated with . . ./20010223. . .). Since the date of February 23, 2001 appears to constitute the earliest publication date relied upon in the Office Action for maintaining the pending rejections, Applicant now addresses the applicability of the asserted publications with respect to this date.

In this regard, Applicant submits herewith a declaration under 37 CFR 1.131, which indicates that Applicant conceived of the invention prior to the aforementioned publication date, and that Applicant acted with diligence through the filing date of the application. Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. 102 be removed and that the pending claims be placed in condition for allowance.

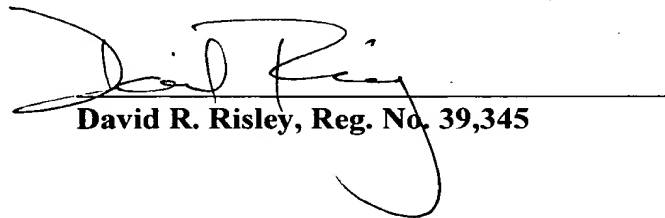
Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 3/2/05.


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